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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,933	11/06/2001	Diane Jones	026032-3670	5497

26371 7590 07/17/2003

FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308

EXAMINER

NELSON JR, MILTON

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,933

Applicant(s)

JONES ET AL.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed May 17, 2002 has been considered.

The information referred to in the information disclosure statement filed March 24, 2003 has been considered.

Election/Restrictions

Applicant's election without traverse of Group 1, claims 1-6 in Paper No. 9 is acknowledged.

Claims 7-9 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Girard et al (5802882). Note the seat frame (12), suspension fabric (13), shrink yarn (line 49, column 1), and air jet textured microfiber yarn (line 26, column 2).

Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Girard et al (5802882). Note the seat frame (12), suspension fabric (13), shrink yarn (line 49, column 1), and air jet textured microfiber yarn (line 26, column 2). Note that the product limitations of these claims are met by Girard et al (the claims are drawn to "a seat including a seat frame and cover"), therefor the process limitations have not been given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al (5802882) in view of Blake (US2003/0056703).

Girard et al shows all claimed features of the instant invention with the exception of the another yarn being a false twist yarn.

Blake discloses use of a false twist yarn in a layered fabric assembly.

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It would have been obvious to one of ordinary skill in the pertinent art at the time of the instant invention to modify Girard et al in view of the teachings of Blake by using a false twist yarn in the construction of the cover assembly. Incorporation of the false twist yarn provides enhanced strength of the fabric construction.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al (5802882) in view of Blake (US2003/0056703).

Girard et al shows all claimed structural features of the instant invention with the exception of the another yarn being a false twist yarn.

Blake discloses use of a false twist yarn in a layered fabric assembly.

It would have been obvious to one of ordinary skill in the pertinent art at the time of the instant invention to modify Girard et al in view of the teachings of Blake by using a false twist yarn in the construction of the cover assembly. Incorporation of the false twist yarn provides enhanced strength of the fabric construction.

Conclusion

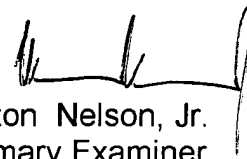
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukuda et al (5466505) discloses use of a knit yarn in a seat cover. Robinson (5326150) discloses a double jersey construction for a seat cover. Linder et al (5582463) shows a suspension fabric construction for a seat assembly. Roell (5484983) discloses a micro fiber yarn construction for a seat cover.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone numbers for the organization where this application or proceeding is assigned are 7033053597 for regular communications and 7033053597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033082168.



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
July 12, 2003